

Writer's direct phone
(312) 460-5813

Writer's e-mail
aperellis@seyfarth.com

Seyfarth Shaw LLP
233 South Wacker Drive
Suite 8000
Chicago, Illinois 60606-6448
(312) 460-5000
fax (312) 460-7000
www.seyfarth.com

May 23, 2017

VIA FOIA ONLINE

Regional Freedom of Information Officer
U.S. EPA, Region 2
290 Broadway, 26th Floor
New York, NY 10007-1866

Re: Freedom of Information Request
In the Matter of the Beechnut Nutrition Corp. Superfund Site
Index Number: CERCLA-02-2017-2013

Dear Sir or Madam:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, Beech-Nut Nutrition Company ("Beech-Nut") is requesting from the U.S. Environmental Protection Agency ("EPA"), all paper and electronic documents and materials, in whatever form or format, including contacts, notes, memos, letters, photographs, correspondence, intra-governmental and inter-governmental communications, e-mails, investigative reports, findings, and projects relating to the former Beechnut facility CERCLA site, located at 68-102 Church Street, Village of Canajoharie, Montgomery County, New York, 13317-1139 ("facility") from 2010 to the present. The requested materials specifically include, but are not limited to:

1. Documents pertaining to, or provided to/from, or reflecting communications and correspondence pertaining to the facility with or about:
 - Ambient Environmental, Inc.;
 - Asbestos & Environmental Consulting Corp.;
 - B&B Recycling, LLC;
 - Beech-Nut Nutrition Company;
 - Beech-Nut Nutrition Corporation;
 - Environmental Remediation Services, Inc.;
 - Great Western Steel, LLC;
 - Jeffrey Wendel;
 - Montgomery County, New York;
 - Montgomery County Business Development Center;
 - New York State Department of Environmental Conservation;
 - New York State Department of Labor;

Pyramid Brokerage Company;
Spectrum Environmental Associates;
TD Development, Inc.;
TD Development, LLC;
Any other owner of the facility since 2013;
Todd Clifford;
Village of Canajoharie; and
Other Federal, State, and local agencies, departments or municipalities.

2. All demolition and/or asbestos abatement activity conducted at the facility, or planned or contemplated, including EPA's planned response action and cost estimates.
3. All Notices of Violation or Stop Work Orders issued by any governmental entity and all demolition permits obtained pertaining to the facility.
4. Photographs and/or video pertaining to the condition of the facility.
5. Grants or grants in process, or other financing means available to assist in redevelopment of the facility, and/or asbestos abatement and/or demolition.
6. Efforts by Beech-Nut to use, re-use, repurpose, sell or otherwise convey the facility.
7. Documents pertaining to the condition of the facility at the time of Beech-Nut's sale of the facility, including documents pertaining to asbestos present at the facility in friable condition, documents pertaining to whether buildings at the facility were in usable condition, and documents pertaining to whether equipment within the buildings or roofs of buildings were past their usable life.
8. Documents, including memoranda, guidance and policy documents, that relate to whether demolishing structures following proper NESHAP abatement procedures, results in the "disposal" of asbestos, as defined by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9601 et seq.
9. Documents relating to the redevelopment potential for the facility and value of the facility and/or property in its current condition and in a redeveloped state.
10. Documents taken from the facility by EPA.
11. EPA's funding request to undertake a response action at the facility.
12. Criminal investigation materials.
13. B&B Recycling, LLC's Response to EPA's Unilateral Administrative Order for a Removal Action dated April 13, 2017.

I request that the person(s) to whom this request is assigned call me at the above telephone number upon receipt of this request to discuss the most expeditious method of response. Among other EPA personnel, Walter Sainsbury, Region 2, Assistant General Counsel would have information relating to this request. Also, please contact me prior to gathering documents in response to this request if charges will total more than \$1000.

Thank you for your assistance.

Very truly yours,

SEYFARTH SHAW LLP



Andrew H. Perellis

AHP:krb

